



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

November 30, 2012

Bear Mountain Water District
PO Box 3091
Chelan, WA 98816

RE: Water Right Change Application No. CS4-09550C@2 (CHEL-12-04)

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Chelan County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
A) 0.36cfs B) 0.02cfs				A) 96.7 B) 1.5* *consumptive		A) Continuous Municipal B) Continuous Domestic	
SOURCE					TRIBUTARY OF (IF SURFACE WATER)		
Lake Chelan					Chelan River		
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
A) SE	SW	8	27 N	22 EWM	47	Chelan	
A) NW	NW	16	27 N	22 EWM	47	Chelan	
B) S1/2	NW	21	28 N	21 EWM	47	Chelan	
AT A POINT LOCATED: PARCEL NO.							
A) 3,725 ft west and 720 ft north of the SE corner of Section 8, T. 27 N., R. 22 E.W.M. (Parcel No. 272208705125).							
A) 1,150 ft south and 870 ft east of the SE corner of Section 8, T. 27 N., R. 22 E.W.M. (Parcel No. 272216220050).							
B) Parcel No. 282121841080.							

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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

A) The service area of the 2005 Lakeview Utilities Company Water System Plan as amended in 2006, so long as the water right holder is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right. If the criteria in RCW 90.03.386(2) are not met and a Water System Plan/Small Water System Management program was approved after September 9, 2003, then the place of use of this water right reverts to the service area described in that document.

B) The north half of lot 16 and all of lot 17 of the Plat of Shrine Beach, and the North half of lot 16 and all of lot 17, of First Addition to Shrine Beach, excepting therefrom the west 45 feet conveyed to Chelan County for road purposes, according to the recorded plats thereof in the office of the Auditor of Chelan County, Washington.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
A) Multiple			Portions of 7, 8, 16 and	27 N.	22 E.W.M.
B) 282121841080	S1/2	NW	17	28 N.	21 E.W.M.
B) 282121842075	S1/2	NW	21	28 N.	21 E.W.M.
			21		

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER TO PUT TO FULL USE BY THIS DATE:
A) Begun	12/1/24	12/1/29
B) December 31, 2015	December 31, 2016	December 31, 2017

Ecology has **MODIFIED** the decision of the Board as follows:

- 1.) The Board's decision has been modified as noted in the table above.
- 2.) The Board's decision table is amended to reflect that Lake Chelan is tributary to the Chelan River.
- 3.) The authorized points of diversion for the portion of the water right to be retained by BMWD are **CHANGED** to the following in the Board's decision table and throughout the Report of Examination. The change is to reflect the complete descriptions authorized under CS4-09550C (CHEL-08-10).
 - A) 3,725 ft west and 720 ft north of the SE corner of Section 8, T. 27 N., R. 22 E.W.M. (Parcel No. 272208705125).
 - A) 1,150 ft south and 870 ft east of the SE corner of Section 8, T. 27 N., R. 22 E.W.M. (Parcel No. 272216220050).
- 4.) The authorized place of use for the portion of the water right to be retained by BMWD is **CHANGED** to the following in the Board's decision table and throughout the Report of Examination. The change reflects the complete description as authorized under CS4-09550C (CHEL-08-10).

A) The service area of the 2005 Lakeview Utilities Company Water System Plan as amended in 2006, so long as the water right holder is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right. If the criteria in RCW 90.03.386(2) are not met and a Water System Plan/Small Water System Management program was approved after September 9, 2003, then the place of use of this water right reverts to the service area described in that document.

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5.) The following provision is ADDED to the Provisions Section under Decision (B):

The purpose of use for the portion of water right CS4-09550C granted is changed from municipal use to domestic use and is no longer protected from relinquishment by Determined Future Development or municipal water law. Policy 1280 addresses Ecology's interpretation of development schedules and the applicability of relinquishment under Chapter 90.14 RCW.

YOUR RIGHT TO APPEAL

You have a right to appeal this Decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Decision:

- File your appeal and a copy of this Decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.


ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Suite 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:

<http://www.leg.wa.gov/CodeReviser>


Mark Kemner, LHG, Section Manager
Water Resources Program, Central Region Office

MK:MD:ss/121123

Enclosures: Your Right to Be Heard
Policy 1280
Construction Notice

By Certified Mail: 7009 2250 0004 4952 2078

cc: Marc Marquis, Attorney, Peterson & Marquis Law Office
Keith Stoffel, Department of Ecology, Easter Region Office (email pdf)
Lisa De Vera, Chelan County Conservancy Board
Philip Rigdon, Director Natural Resources Division Yakama Nation
Lois Trevino, Water Administrator, Colville Confederated Tribes